

01-23-07
09/991,184

IFW/DAC
CASE ON/4-30096B

FILING BY "EXPRESS MAIL" UNDER 37 CFR 1.10

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Date of Deposit



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

IN RE PATENT OF

PEKKA HAYRY

U.S. PATENT NO. U.S. 7,151,106

ISSUED: DECEMBER 19, 2006

FOR: CRYSTAL MODIFICATION OF A N-PHENYL-2-PYRIMIDINEAMINE
DERIVATIVE, PROCESSES FOR ITS MANUFACTURE AND ITS
USE

MS: Petition

Commissioner for Patents
PO Box 1450
Alexandria, VA 22313-1450

PETITION FOR PATENT TERM ADJUSTMENT
PURSUANT TO 37 C.F.R. §1.705(d)

Sir:

Patentee submits this Petition for Patent Term Adjustment (PTA) pursuant to 37 C.F.R. §1.705(d) in which a reconsideration of the PTA indicated on U.S. Patent No. 7,151,106, which issued on December 19, 2006, is requested. This Petition for PTA is being filed on the date indicated below which is less than two months after the issuance of U.S. Patent No. 7,151,106. Thus, this Petition is being timely filed under 37 C.F.R. §1.705(e).

According to the USPTO, and as indicated on the cover page of U.S. Patent No. 7,151,106 and on the "PAIR" page on the USPTO's website (of which a copy of each is enclosed), the PTA for U.S. Patent No. 7,151,106 is 261 days. It is believed that the USPTO reached this determination by applying a 25-day delay against Applicant because of the filing of "formal" drawings on September 19, 2006 and, accordingly, subtracted 25 days from the "initial" PTA of 286 days.

Patentee respectfully disagrees with the USPTO's calculation and believes that a 25-day debit should not have been applied because no "formal" drawings were filed on September 19, 2006. In fact, the only paper filed by Applicant subsequent to the Notice of Allowance, dated July 5, 2006, was the payment of the Issue Fee on September 19, 2006.

01/24/2007 TBESHAK2 00000039 190134 7151106

It should be noted that a Notice Regarding Drawings was forwarded to the Applicant on April 11, 2005, which Notice had a non-extendable due date of June 11, 2005. In response to said Notice,

Applicant timely filed a communication on May 17, 2005, which included "replacement" drawings. No further communication from the USPTO regarding drawings was received by the Applicant.

In short, since the only paper filed by Applicant subsequent to the Notice of Allowance was the timely payment of the Issue Fee on September 19, 2006, and since the subject U.S. patent issued within four months of the payment of the Issue Fee, it is believed that the Patentee is entitled to 25 additional days of patent term and that the correct PTA for U.S. Patent No. 7,151,106 is 286 days. Accordingly, the Patentee requests that the USPTO issue a Certificate of Correction which indicates that the PTA for the subject U.S. patent is 286 days.

Please charge the \$200 fee required by 37 C.F.R. §1.18(e) and any other fees that may be required to Deposit Account No. 19-0134 in the name of Novartis Corporation. An additional copy of this Petition for PTA is enclosed.

Respectfully submitted,

Novartis
Corporate Intellectual Property
One Health Plaza, Building 104
East Hanover, NJ 07936-1080


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Phone No. (862) 778-7852

Encls.: "cover" page of USP 7,151,106
"PAIR" page
extra copy of Petition for PTA
postcard

Date:

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CRYSTAL MODIFICATION OF A N-PHENYL-2-PYRIMIDINEAMINE DERIVATIVE,
PROCESSES FOR ITS MANUFACTURE AND ITS USE01-11-
2007::13:50:36

Patent Term Adjustments

Patent Term Adjustment (PTA) for Application Number: 09/991,184

| | | | |
|------------------------------|------------|--------------------------------------|-----|
| Filing or 371(c) Date: | 11-16-2001 | USPTO Delay (PTO) Delay (days): | 463 |
| Issue Date of Patent: | 12-19-2006 | Three Years: | - |
| Pre-Issue Petitions (days): | +0 | Applicant Delay (APPL) Delay (days): | 202 |
| Post-Issue Petitions (days): | +0 | Total PTA (days): | 261 |
| USPTO Adjustment(days): | +0 | Explanation Of Calculations | |

Patent Term Adjustment History

| Date | Contents Description | PTO(Days) | APPL(Days) |
|------------|--|-----------|------------|
| 11-29-2006 | PTA 36 Months | | |
| 12-19-2006 | Patent Issue Date Used in PTA Calculation | | |
| 10-13-2006 | Mail Miscellaneous Communication to Applicant | | |
| 10-06-2006 | Miscellaneous Communication to Applicant - No Action Count | | |
| 09-28-2006 | Receipt into Pubs | | |
| 09-28-2006 | Receipt into Pubs | | |
| 09-27-2006 | Dispatch to FDC | | |
| 09-27-2006 | Application Is Considered Ready for Issue | | |
| 09-19-2006 | Issue Fee Payment Verified | | |
| 09-19-2006 | Workflow - Drawings Finished | | 25 |
| 09-19-2006 | Issue Fee Payment Verified | | |
| 09-19-2006 | Issue Fee Payment Received | | |
| 07-31-2006 | Receipt into Pubs | | |
| 07-31-2006 | Receipt into Pubs | | |
| 07-28-2006 | Receipt into Pubs | | |
| 07-05-2006 | Mail Notice of Allowance | | |
| 07-05-2006 | Mail Formal Drawings Required | 143 | |
| 06-26-2006 | Formal Drawings Required | ↑ | |
| 06-26-2006 | Notice of Allowance Data Verification Completed | ↑ | |
| 06-26-2006 | Mail Miscellaneous Communication to Applicant | ↑ | |
| 06-26-2006 | Record Petition Decision of Granted Related to Inventor in Application | ↑ | |
| 06-26-2006 | Miscellaneous Communication to Applicant - No Action Count | ↑ | |
| 12-13-2005 | Information Disclosure Statement considered | ↑ | |
| 12-13-2005 | Information Disclosure Statement considered | ↑ | |
| 09-19-2005 | Examiner Interview Summary Record (PTOL - 413) | ↑ | |
| 10-12-2005 | Petition Entered | ↑ | |
| 10-12-2005 | Rule 47 / 48 Correction of Inventorship Papers Filed | ↑ | |
| 05-17-2005 | New or Additional Drawing Filed | ↑ | |
| 10-19-2005 | Date Forwarded to Examiner | ↑ | |
| 10-12-2005 | Response after Ex Parte Quayle Action | ↑ | |
| 10-05-2005 | Mail Ex Parte Quayle Action (PTOL - 326) | 119 | |
| 10-03-2005 | Ex Parte Quayle Action | ↑ | |

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|------------|---|---|-----|
| 02-08-2005 | Reference capture on IDS | ↑ | |
| 02-08-2005 | Information Disclosure Statement (IDS) Filed | ↑ | |
| 08-24-2005 | Date Forwarded to Examiner | ↑ | |
| 02-08-2005 | Request for Continued Examination (RCE) | ↑ | |
| 08-24-2005 | DISPOSAL FOR A RCE/CPA/129 (express abandonment if CPA) | | |
| 08-20-2005 | Pubs Case Remand to TC | | |
| 07-12-2005 | Information Disclosure Statement (IDS) Filed | | |
| 08-17-2005 | Receipt into Pubs | | |
| 06-27-2005 | Receipt into Pubs | | |
| 05-25-2005 | Receipt into Pubs | | |
| 02-08-2005 | Workflow incoming amendment IFW | | |
| 02-08-2005 | Workflow - Request for RCE - Begin | | |
| 01-06-2005 | Workflow - File Sent to Contractor | | |
| 12-16-2004 | Mail Notice of Allowance | | |
| 12-16-2004 | Mail Oath of Declaration Required | | |
| 12-16-2004 | Mail Examiner's Amendment | | |
| 12-13-2004 | Oath or Declaration Required | | |
| 12-13-2004 | Notice of Allowance Data Verification Completed | | |
| 12-13-2004 | Case Docketed to Examiner in GAU | | |
| 12-13-2004 | Examiner's Amendment Communication | | |
| 12-13-2004 | Date Forwarded to Examiner | | |
| 11-29-2004 | Response after Non-Final Action | | 88 |
| 11-29-2004 | Request for Extension of Time - Granted | ↑ | |
| 11-29-2004 | Workflow incoming amendment IFW | ↑ | |
| 06-02-2004 | Mail Non-Final Rejection | | 68 |
| 06-01-2004 | Non-Final Rejection | ↑ | |
| 03-10-2004 | Case Docketed to Examiner in GAU | ↑ | |
| 02-18-2004 | IFW Amended case processing Complete | ↑ | |
| 01-14-2002 | Reference capture on IDS | ↑ | |
| 01-14-2002 | Information Disclosure Statement (IDS) Filed | ↑ | |
| 02-18-2004 | Date Forwarded to Examiner | ↑ | |
| 11-26-2003 | Response to Election / Restriction Filed | | 89 |
| 11-26-2003 | Request for Extension of Time - Granted | ↑ | |
| 05-29-2003 | Mail Restriction Requirement | | 133 |
| 05-29-2003 | Requirement for Restriction / Election | ↑ | |
| 01-09-2002 | Preliminary Amendment | ↑ | |
| 01-08-2002 | Preliminary Amendment | ↑ | |
| 01-14-2002 | Information Disclosure Statement (IDS) Filed | ↑ | |
| 01-08-2002 | Case Docketed to Examiner in GAU | ↑ | |
| 12-13-2001 | Case Docketed to Examiner in GAU | ↑ | |
| 11-16-2001 | Preliminary Amendment | ↑ | |
| 12-12-2001 | IFW Scan & PACR Auto Security Review | ↑ | |
| 12-10-2001 | Application Dispatched from OIPE | ↑ | |

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|------------|--------------------------------------|---|
| 12-06-2001 | Correspondence Address Change | ↑ |
| 12-03-2001 | IFW Scan & PACR Auto Security Review | ↑ |
| 11-16-2001 | Initial Exam Team nn | ↑ |

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